IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 9TH OCTOBER 2007 / 17TH ASWINA 1929

Bail Appl..No. 6033 of 2007()

[CRIME NO.435/2006 OF TANUR POLICE STATION]

PETITIONERS-ACCUSED 1 TO 12 IN CR.435/06 OF TANUR POLICE STATION :

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1. ASHRAF, S/O. KUNHIMARAKKAR,
   MOOSANTE PURAKKAL, EDAKKADAPPURAM,
   TANUR, MALAPPURAM DISTRICT.

2. JALEEL, S/O. HAMSA,
   KUPPANTE PURAKKAL, EDAKKADAPPURAM,
   TANUR, MALAPPURAM DISTRICT.

3. MAMMALAKATH HAMSA KOYA,
   S/O. CHERIA ALAVI, PANDARAKADAPPURAM,
   TANUR, MALAPPURAM DISTRICT.

4. RAYI PAREECHINTE PURAKKAL FAISAL,
   S/O. ABDUL RAHIMANKUTTY, ELARAM KADAPPURAM,
   TANUR, MALAPPURAM DISTRICT.

5. KUTTIALI KADAVATH SHIHAB,
   S/O. IMBICHI BAVA, PANDARA KADAPPURAM,
   TANUR, MALAPPURAM DISTRICT.

6. PODEANTE PURAKKAL SHAFI,
   S/O. BEPATHU, ELARAM KADAPPURAM,
   TANUR, MALAPPURAM DISTRICT.

7. PANAKKAKATH JKALEEL,
   S/O. HAMSA KOYA, PANDARA KADAPPURAM,
   TANUR, MALAPPURAM DISTRICT.

8. THOTTIL ABID,
   S/O. HAMSA KOYA, PANDARA KADAPPURAM,
   TANUR, MALAPPURAM DISTRICT.

9. ANEENTEPURAKKAL USMAN KOYA,
   S/O. ALI MUHAMMED, PANDARA KADAPPURAM,
   TANUR, MALAPPURAM DISTRICT.

10. ORAYIL AYOOB, S/O. KUNJAVA,
PANDARA KADAPPURAM, TANUR, MALAPPURAM DISTRICT.

11. UNNEEMINTE PURAKKAL HAMSA KOYA,
S/O. SAIDALAVI, CHAPPAPADI,
TANUR, MALAPPURAM DISTRICT.

12. KINATTINGAL RAZACK, S/O.CHERIYA BAVA,
KPS ROAD, OTTUMPURAM, TANUR, MALAPPURAM DISTRICT.

BY ADV. SRI.K.A.JALEEL
SRI.N.K.POULOSEKUTTY

RESPONDENTS: COMPLAINANT:

STATE OF KERALA (REP. BY THE
SUB INSPECTOR OF POLICE, TANUR POLICE STATION -
CR.435/2006 OF TANUR POLICE STATION) REPRESENTED
BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.6033 of 2007

Dated this the 9th day of October 2007

O R D E R

Application for anticipatory bail. The petitioners are accused 1 to 12. Altogether there are 22 accused persons. They face allegations for offences punishable inter alia under Section 3 of the P.D.P.P.Act. The allegations in the F.I.R is that a group of miscreants - who owe allegiance to the D.Y.F.I and others trespassed into the Panchayat building and indulged in acts of mischief and violence. According to the petitioners, they are not members of the D.Y.F.I. They owe allegiance to the I.U.M.L. The Panchayat is governed by the I.U.M.L. It is the D.Y.F.I workers who had indulged in the culpable overt acts. Quite unnecessarily and with the transparent purpose of vexation, the petitioners have all been arrayed as accused. The D.Y.F.I and their political masters who are in power are influencing the police. The attempt is only to vex and harass the petitioners, it is submitted.

2. The learned Public Prosecutor does not oppose the prayer for anticipatory bail. I am satisfied, in these circumstances, that without going into the details of the controversy, anticipatory bail can be granted to the petitioners.

3. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioners.

i) Petitioners shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 16/10/2007.

ii) They shall be released on regular bail on condition that they execute bonds for Rs.25,000/-(Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 12 noon on 17/10/2007 and thereafter as and when directed by the investigating officer in writing to do so.

(iv) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(v) If they were arrested prior to 16/10/2007, they shall be released from custody on their executing a bond for Rs.25,000/-(Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 16/10/2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007